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John R. Pivnichny, Ph.D.
IBM Corporation, N50/040-4
1701 North Street
Endicott, NY 13760

EXAMINER
TRUONG, LECHI

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/037,175
Filing Date: November 09, 2001
Appellant(s): DORAN ET AL.

<u>For Appellant</u>

EXAMINER'S ANSWER

This is in response to the appeal brief filed   01/ 25/ 2007 appealing from the Office action

mailed   09/28/2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

The real party in interest is International Business Machine Corporation, a corporation of

New York, with a place of business at Armonk, YN 10504.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings,

which will directly affect or be directly affected by or have a bearing on the Board's decision in

the pending appeal.

(3) Status of Claims

(A)   Status of all claims in application

1. Claims canceled: none

2. Claims pending: 1-22

3. Claim allowed: none

4. Claim rejected: 1-22

5. Claim object to: none

(B)   Claims on appeal

The claims on appeal are 1-22

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Kirkwood et al (US. Patent 6,665,662 B1)

Lippert et al (US. Patent 6,356,906 B1)

Kumar et al (US. Patent 6,343287 B1)

Coden et al (US. Patent 5,873080)

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

DETAILED ACTION

1.   Claims 1-22 are presented for the examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims **1, 2, 4, 5, 7-11, 13, 15, 16-18, 20-22** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kirkwood** et al (US. Patent 6,665,662 B1) in view of **Lippert** et al (US. Patent 6,356,906 B1).

3.   **As to claim 1**, Kirkwood teaches the application substantially as claimed including: a data store having a plurality of entries (relational database to store the concepts, page 12, ln 52-55/ the concept database 420, col 19, ln 8-11), a server server (web server 402, col 21, ln 40-42/ Fig. 4 A), a API couple to said data stored (col 21, ln 40- 42 and ln 54-55/ col 22, ln 5-10), sending a query to data store (col 2, ln 45-48/col 36, ln 33-37), receiving a entry (col 21, ln 53-

59), a wrapper (server side adapter 460, col 21, ln 50-53/ col 22 , ln 5-10), a wrapper coupled to

said API for accepting request from a user interface(col 21, ln 50-55, fig. 4B/ col 22 , ln 3-8),

directory for the database (hierarchical trees in the concept database 420, col 22, and ln 47-49).

Kirkwood does not explicit teach a wrapper is adapted for accepting query in a plurality

of programming languages. However, Lippert teaches a wrapper is adapted for accepting query

in a plurality of programming languages (a predetermined query language such as SQL. The

method wraps the query according to a predetermined markup language, such as XML, col 2, ln

26-30/ col 5, ln 63-67/ other constructs and adaptations can be used to adapt SQL to XML, or

any other database query language to any other markup language, col 10, and ln 20-25).

It would have been obvious to one of the ordinary skill in the art at the time the invention

was made to combine the teaching of Kirkwood and Lippert because Lippert's a wrapper is

adapted for accepting query in a plurality of programming languages would improve the

efficiency of Kirkwood's system by allowing the client to formulate queries to obtain

information from databases stored on servers.

4.   **As to claim 2,** Kirkwood teaches a relational database (col 12, ln 50-52).

5.   **As to claim 4**, Kirkwood teaches a plurality of API coupled to said data store, each API

adapted to send said query to said data store and receive one of said plurality of directory entries

(col 17, ln 57-60/ Fig. 4 A).

6.   **As to claim 5**, Kirkwood teaches a plurality of wrapper each said wrapper coupled to one

or more of said API (col 21, ln 50-55, fig. 4B/ col 22, ln 3-8).

7.   **As to claim 7**, Kirkwood teaches API is adapted to receive one of said plurality of directory entries from said data store and send said one of the directory entries to said user application (col 18, ln 21-25).

8.   **As to claim 8,** Kirkwood teaches API is adapted to send said one of said directory entries to said user application through said wrapper (col 21, ln 51-55/ col 22, ln 3-10).

9.   **As to claim 9**, Kirkwood teaches API is adapted to received said one of said plurality of directory entries in response to said query (col 21, ln 53-56).

10.   **As to claim 10,** it is an apparatus claim of claims 1 and 7; therefore, it is rejected for the same reasons as claims 1 and 7 above.

11.   **As to claims 11, 13, 15**, they are apparatus claims of claims 2, 4, 5; therefore, they are rejected for the same reasons as claims 2, 4, 5 above.

12.   **As to claim 16**, Kirkwood teaches receiving one of said plurality of entries from said data stored and sending said one of said entries to said user application (col 21, ln 51-55/ col 22, ln 3-10).

13.   **As to claims 17, 18**, they are apparatus claims of claim 8, 10; therefore, they are rejected for the same reasons as claims 8, 10 above.

 14.   **As to claim 20**, it is an apparatus claim of claim 10; therefore, it is rejected for the same reason as claim 10 above. In additional, Kirkwood teaches program instruction (software program, col 5, ln 5-6).

15.   **As to claim 21**, it is an apparatus claim of claim 8; therefore, it is rejected for the same reason as claim 8 above.

16.   **As to claim 22,** it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above. In additional, Kirkwood teaches service capable of serving up web pages (col 1, ln 54-57).

17.   Claims **3, 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkwood et al (US. 6,665,662 B1) in view of Lippert et al (US. Patent 6,356,906 B1), as applied to claim 1 above, and further view of Kumar et al (US. Patent 6,343,287 B1).

18.   **As to claim 3,** Kirkwood, Lippert do not teach an LDAP data store. However, Kirkwood teaches LDAP (LDAP, Fig. 3).

19.   It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Kirkwood, Lippert and Kumar because Kumar's LDAP would improve the flexibility of Kumar and Lippert's systems by allowing user to initiate a search for the requesting from the user.

20.   **As to claim 12**, it is an apparatus claim of claim 3; therefore, it is rejected for the same reason as claim 3 above.

21.   Claims **6, 14, 19,** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirkwood et al (US. 6,665,662 B1) in view of Lippert et al (US. Patent 6,356,906 B1), as applied to claim 1 above, and further in view of Coden et al (US. Patent 5,873,080).

22.   **As to claim 6**, Kirkwood, Lippert do not teach an API locator on said web server for selecting one of said plurality of API in response to said query. However, Coden teaches an API locator on said web server for selecting one of said plurality of API in response to said query (each query object (col 12-ln 17-22), contained in the combined query 110 is directed by the query interface 130 to one ore more engineers by calls to that engine's application programming interface (API) (152, 154, 156) respectively, col 6, ln 46-51/ ln 60-66).

23.   It would have been obvious to one of the ordinary skill in the art at the time the invention was made to combine the teaching of Kirkwood, Lippert and Coden because Coden's an API locator on said web server for selecting one of said plurality of API in response to said query would increase the efficiency of Kirkwood and Lippert's systems by allowing relevant documents to be able to specify conditions on the content.

24.   **As to claims 14, 19**, they are apparatus claims of claim 6; therefore, they are rejected for the same reason as claim 6 above.

(9) Response to Argument

As to point (1), Appellant's independent claims also require a wrapper coupled the API adapting the query from a user application in a plurality of programming languages. Examples of such programming languages are given in Appellants specification page 11 as Java, LoTus Script, Rexx, and C.

As to point (2), Kirkwood does not describe a wrapper adapted for accepting a query in a plurality of programming languages.

    As to point (3), Lippert teaches that his query in the SQL query language is wrapper in a markup language, such as XML. XML is not a programming language.

    As to point (4), Lippert also performs this wrap step at the client side, not at the server.

    As to point (5), He does not describe or suggest anything about accepting a query in a plurality of programming languages as required by Appellants's independent claims.

    Examiner respectfully disagrees with applicant's remarks:

    As to the point (1), Kirkwood teaches a wrapper coupled the API adapting the request from a user application (the generic server adapter 460 passes the request to the concept access API 432 for processing by the VDS 410(col 22, ln 3-6/ Fig. 4 B)/ the concept client such as concept web application 406, must generate an XML document to send requests to the Web server 402 destined for the concept access API 432 and to process response from the web server 402 originating in the concept access API 432(col 21, ln 25-30/ Fig 4 A). Kirkwood does not explicitly teach a wrapper is adapted the query from a user application in a plurality of programming languages. However, Lippert teaches the invention is not particularly limited to using any of these constructs or adaptations, however. Other constructs and adaptations can be used to adapt SQL (Structured Query Language) to XML, or any other database query language to any other markup language for example (col 10, ln 20-24)/ a predetermined query language such as SQL. The method wraps the query according to a predetermined markup language, such as XML (col 2, ln 26-30/ col 5, ln 63-67). In additional, wrapper accept query in the plurality of programming languages is not described in the specification instead of the specification page 11, ln 10-15 said the wrappers may interface to user applications specific to other programming languages such as the Rexx programming language or the C programming languages. The

examination of the claims was based on the meaning described in the specification. Examples of

such programming languages are given in Appellants specification page 11 as Java, LoTus

Script, Rexx, and C was not in the claim limitation.

As to the point (2), Lippert teaches the invention is not particularly limited to using any

of these constructs or adaptations, however. Other constructs and adaptations can be used to

adapt SQL (Structured Query Language) to XML, or any other database query language to any

other markup language for example (col 10, ln 20-24)/ a predetermined query language such as

SQL. The method wraps the query according to a predetermined markup language, such as XML

(col 2, ln 26-30/ col 5, ln 63-67).

As to the point (3), Lippert teaches that his query in the SQL query language is wrapper

in a markup language, such as XML. XML is not a programming language. XML programming

language is well known in the art.

As to the point (4), Kirkwood teaches the generic server adapter 460 passes the request

to the concept access API 432 for processing by the VDS 410(col 22, ln 3-6/ Fig. 4 B/ col 21, ln

40-45). The server adapter 460 is a wrap at the server side.

As to the point (5), Lippert teaches the invention is not particularly limited to using any

of these constructs or adaptations, however. Other constructs and adaptations can be used to

adapt SQL (Structured Query Language) to XML, or any other database query language to any

other markup language for example (col 10, ln 20-24)/ a predetermined query language such as

SQL. The method wraps the query according to a predetermined markup language, such as XML

(col 2, ln 26-30/ col 5, ln 63-67). In additional, wrapper accept query in the plurality of

programming languages was not described in the specification instead of the specification page

11, ln 10-15 said the wrappers may interface to user applications specific to other programming

languages such as the Rexx programming language or the C programming languages.   The

examination of the claims was based on the meaning described in the specification. Examples of

such programming languages are given in Appellants specification page 11 as Java, LoTus

Script, Rexx, and C was not in the claim limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained

Respectfully submitted.

Lechi Truong

Conferees:

Wei Zhen

WILLIAM THOMSON
ADVISORY PATENT EXAMINER

Thomson, William

Lechi Truong

WEI ZHEN
SUPERVISORY PATENT EXAMINER